

FISCAL NOTE

SB 2574 - HB 2545

March 14, 2002

SUMMARY OF BILL: Implements the "Terrorism Prevention and Response Act of 2002."

Creates the following offense:

- Class A felony for committing an act of terrorism,
- Class A felony to distribute or deliver, as an act of terrorism, any substance intended to, or that a person has reason to believe may, create fear or apprehension that the substance may be a biological or chemical warfare agent or nuclear or radiological agent;
- Class B felony for unlawfully possessing, developing, manufacturing, transferring, acquiring, or retaining a weapon of mass destruction;
- Class B felony to knowingly provide material support or resources in planning or carrying out an act of terrorism or to conceal or attempt to escape after committing or attempting to commit an act of terrorism;
- Class B felony to distribute or deliver, as a hoax, any substance intended to, or that a person has reason to believe may, create fear or apprehension that a substance may be a biological or chemical warfare agent or a nuclear or radiological agent;

Provides the following regarding existing offenses:

- Adds act of terrorism to underlying felonies required for first degree felony murder;
- Adds act of terrorism to list of aggravating factors for first degree murder to be eligible for the death penalty or life without parole;
- Adds that the offense was an act of terrorism or was related to act of terrorism to factors that may be used to enhance a felony sentence within the range;
- Increases the penalty for the offense of issuing or selling a false drivers license from a Class a misdemeanor a Class E felony for second offense to a Class B felony if knowingly committed in connection with an act of terrorism;
- Increases the penalty for computer and telecommunication offenses from a Class A misdemeanor or punishment as theft offense to a Class A felony if the offense was committed in connection with an act of terrorism;
- Increases the penalty for an explosive weapon offense from a Class E felony to a Class B felony;
- Increases the penalty for a hoax weapon from a Class A misdemeanor to a Class C felony;
- Increases the penalty for false report to a law enforcement officer from a Class A misdemeanor to a Class D felony;

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- Increases the penalty for a false report of a bomb, fire, or emergency from a Class E felony to a Class C felony;
- Adds acts of unreasonably raising prices or restricting supplies of goods as a result of a crime, act of terrorism or war to the offense of unfair or deceptive acts under the Consumer Protection Act, a Class B misdemeanor.

The bill also provides:

- Tennessee Emergency Management Agency must provide a comprehensive communication plan which includes a computerized telephone emergency warning system;
- Information in connection with security measures adopted by the general assembly are not public records and not subject to public access or inspection laws;
- Tennessee Bureau of Investigation is authorized to make independent inquiries into acts of terrorism.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$958,200/Incarceration*

Estimate assumes various additional Class A and B felony convictions every three to five years for new offenses created and additional incarceration for Class C, D and E felony offenses each year for hoax devices, false reports and other existing offenses elevated to higher classification by the provisions of the bill.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director